

Judge Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
THE AIR FORCE, et al.,

Defendants.

No. C06-5195 RBL

**DEFENDANTS' CONSENT MOTION
TO AMEND THE PRETRIAL
SCHEDULING ORDER OF
SEPTEMBER 2, 2009**

(Note Defendants' Motion on the Motion
Calendar for February 12, 2010)

Defendants hereby move to amend the pretrial scheduling order of September 2, 2009, because defense counsel's family is expecting a (second) child in April 2010, and defense counsel plans on taking six weeks of paternity leave. Defendants bring this motion now to minimize the inconvenience that a schedule adjustment may cause to plaintiff or the Court.

The proposed schedule adjustment, which plaintiff has agreed to, moves back all deadlines by approximately 90 days. That time period, while longer than the six weeks that defense counsel intends to be on leave, accounts for the possibilities of either an early arrival or a late arrival, and for that reason, should require only one schedule adjustment for this event. In addition, the parties have agreed to a six-week 'black-out' period during which no discovery will take place and during which only emergency motions will be filed. That so-called 'black-out'

period will begin upon notice of the birth of defense counsel's child.

Other unforeseen events in deposition scheduling also counsel in favor of this proposed schedule adjustment. Specifically, there was a two-week postponement to account for McChord Air Force Base's involvement in Haitian relief efforts, and then another postponement for two weeks due to the record-breaking blizzard conditions on the East Coast that prevented air travel.

The proposed revised schedule is as follows:

Event	Current Date	Proposed Date
6-7 DAYS Non-Jury TRIAL set for 09:30 AM	9/13/2010	1/24/2011
Disclosure of expert testimony under FRCP 26(a)(2) due	3/17/2010	6/16/2010
All motions related to discovery must be FILED by	4/26/2010	7/26/2010
Discovery COMPLETED by	5/17/2010	8/16/2010
All dispositive motions must be FILED by	6/15/2010	9/14/2010
Settlement conference per CR 39.1(c)(2) HELD no later than	7/15/2010	10/15/2010
Mediation per CR 39.1(c)(3) HELD no later than	8/16/2010	11/15/2010
Letter of compliance as to CR 39.1 FILED by	8/23/2010	11/23/2010
Motions in limine must be FILED by	8/16/2010	11/15/2010
Agreed pretrial order OR, if counsel has agreed to dispense with the pretrial order, Witness and Exhibit Lists are due	8/27/2010	11/29/2010
Pretrial conference will be HELD at 08:30 AM on	9/2/2010	12/4/2010
Trial Briefs and Proposed Findings of Fact and Conclusions of Law shall be filed by	8/31/2010	12/2/2010

Finally, during his absence, defense counsel will seek to ensure that another attorney will be available to attend to any urgent matters regarding this case.

Dated: February 12, 2010

Respectfully submitted,

TONY WEST
Assistant Attorney General

VINCENT M. GARVEY
Deputy Branch Director

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**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2010, I electronically filed the foregoing Defendants' Consent Motion to Amend the Pretrial Scheduling Order of September 2, 2009, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following person:

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